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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,805	11/16/2001	Charles Patton	SRI-013	3867

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EXAMINER	
MEUCCI, MICHAEL D	

ART UNIT	PAPER NUMBER
2442	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/022,805	PATTON ET AL.	
	Examiner	Art Unit	
	MICHAEL D. MEUCCI	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22,24-35 and 37-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22,24-35 and 37-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the Request for Continued Examination (RCE) filed 04 September 2008.

2. Claims 22, 24-35, and 37-47 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 22, 24-35, and 37-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany (U.S. 5,960,344) in view of Keane et al. (U.S. 7,085,854 B2) hereinafter referred to as Keane and Brownrigg et al. (U.S. 2004/0062224 A1) hereinafter referred to as Brownrigg.

a. As per claims 22 and 35, Mahany teaches: configuring, via said first communication, a use of a second type of communication medium, different from said first type of communication medium by at least said second user device (lines 35-52 of column 8 wherein the wired transceiver controls access to and configures the Ch. 1 and Ch. 2 radios of the wireless access point, and lines 22-40 of column 9 wherein incoming messages received via the wired transceiver control the radios of the wireless access point); the second type of communication medium being a shared medium, wherein said configuring enables said second user device to communicate with a third device over

said shared medium (lines 35-47 of column 2, line 64 of column 11 through line 22 of column 12, and Fig. 9).

Mahany does not explicitly teach: sending a first directed, one to one communication to a second user device in said network over a secure communication channel established between said first user device and said second user device using a first type of communication medium; the first communication being a directed, one to one communication; the one to one communication being over a secure communication channel established between said first user device and said second user device; and the broadcast messages being capable of being heard by other devices within range of said second user device and said third device.

Regarding sending a first directed, one to one communication to a second user device in said network over a secure communication channel established between said first user device and said second user device using a first type of communication medium and configuring by the first user device, Keane discloses: "The at least one processor may provide through the base network code and information for configuring the first processor to interface the base network at the received base address," (lines 52-55 of column 6). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to send a first directed, one to one communication to a second user device in said network over a secure communication channel established between said first user device and said second user device using a first type of communication medium and configure with the first user device. "The first processor may execute the provided code to configure the first processor based on the provided

information such that the first processor interfaces the base network. The at least one processor may provide through the base network to the first processor information enabling at least one tunnel through the base network to a second processor, which may be separate from the at least one processor, when the first and second processors each provide to the at least one processor a consent for enabling the at least one tunnel," (lines 55-64 of column 6 in Keane). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to send a first directed, one to one communication to a second user device in said network over a secure communication channel established between said first user device and said second user device using a first type of communication medium and configure with the first user device in the system as taught by Mahany.

Regarding: having the first communication directed and one to one, Keane discloses: "provide configuration information for the network and/or for each gateway; exchange control information with the first gateway 450 and the second gateway 451 on the first tunnel 425 and the second tunnel 426, respectively; negotiate an encryption algorithm with each gateway; and negotiate an authentication technique (lines 4-9 of column 20). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the first communication directed and one to one. "For example, to enable the third tunnel (step 540), the control system 175 may perform one or more of the following: update the partner lists of the first gateway 450 and the second gateway 451 to reflect mutual consent; provide an indication that a tunnel between the first and second gateways 450, 451 is authorized; provide real IP addresses for each of

the gateways to permit a connection through a base network, such as the Internet; provide the virtual IP address of each gateway to the other gateway to enable a tunnel between the gateways; facilitate the establishment of one or more tunnels by providing out-of-band signaling to the first gateway 450 and the second gateway 451 through the first tunnel 425 and the second tunnel 426, respectively; determine one or more partner lists for one or more gateways 450, 451," (line 57 of column 19 through line 4 of column 20 in Keane). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the first communication directed and one to one in the system as taught by Mahany.

Secure transmission between two networks is extremely well known in the art at the time of the applicant's invention. Keane teaches secure transmission across data networks: "Further, the tunnel interface module 612 may use a firewall 617 and/or other security devices to limit access to the switch 680 and communication channel 681. The two-tier structure with the tunnel interface module 612 connected through security devices, such as firewalls to the controller module 614 may provide enhanced security at the network operations center 610," (lines 40-46 of column 23). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the one to one communication over a secure communication channel established between said first networked device and said second networked device. "To enhance security, the tunnel interface module 612 may communicate with the other subsystems of the network operations center 610 in a limited manner. For example, the tunnel interface module 612 may provide a single control and monitoring port for exchanging

messages with the controller module 614 and for exchanging secured sockets layer (SSL) messages with the administrative server 615," (lines 33-39 of column 23 in Keane). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the one to one communication over a secure communication channel established between said first networked device and said second networked device in the system as taught by Mahany.

Brownrigg discloses: "if a great deal of network traffic is going through a particular node, it may be desirable to place a "passive repeater" at that node. A passive repeater is not a client, per se, but, rather, is a transceiver that receives and rebroadcasts packets," (paragraph [0094] on page 7). The passive repeater of Brownrigg is the "second user device" of the applicant's invention. Successive passive repeaters of this type would allow the system of Mahany, combined with the teachings of Keane to broadcast messages in a manner that allows said messages to be heard by other networked devices within range of said second and third networked devices. It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the broadcast messages being capable of being heard by other devices within range of said second user device and said third device. "The passive repeater therefore effectively extends the range of the transmitting clients, and reduces data bottlenecks in the system. A passive repeater is also useful for clients with long links to a server in that it can shorten the link by effectively allowing the clients to skip some intermediate links. The prototyping of the system is also useful in that it shows that placing servers near the center of the network reduces the average link length (i.e.

reduces the average number of client hops) in the network," (paragraph [0094] on page 7 of Brownrigg). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the broadcast messages being capable of being heard by other devices within range of said second user device and said third device in the system as taught by Mahany.

b. As per claims 24 and 37, Mahany teaches: sending, by said first user device, a second communication to said third device over said shared medium (lines 31-49 of column 12 and Fig. 9).

c. As per claims 25 and 38, Mahany teaches: said second user device initiates said first communication (lines 51-67 of column 1).

d. As per claims 26, 27, 39, and 40 Mahany teaches: wherein at least one of: said first user device and said second user device is a personal computing device, and wherein said personal computing device is at least one of: a personal digital assistant, a tablet computer, a laptop computer, a mobile phone, a handheld gaming device and a picoradio (lines 6-18 of column 18 and Figs. 1-15).

e. As per claims 28, 29, 41, and 42 Mahany teaches: wherein said third device is a network resource and wherein said network resource is at lest one of: a printer, a projection display, a robot, a scanner, a facsimile machine, and a data collection device (line 64 of column 11 through line 49 of column 12 and Fig. 9).

f. As per claims 30 and 43, Mahany teaches: wherein said third device is part of a wired communications network (lines 35-37 of column 1, lines 31-33 of column 2, lines 44-47 of column 8, and Figs. 1-15).

g. As per claims 31 and 44, Mahany teaches: wherein said second user device is part of a wireless communication network (lines 35-38 of column 8, line 60 of column 8 through line 30 of column 9, and Figs. 1-15).

h. As per claims 32 and 45, Mahany teaches: wherein said point-to-point medium is at least one of: an infrared communications network and a radio frequency communications network (lines 30-32 of column 1, lines 10-29 of column 2, and Figs. 1-15).

i. As per claims 33 and 46, Mahany teaches: wherein said first communication grants said second user device a capability to perform a specified action in accordance with said shared medium (line 65 of column 4 through line 3 of column 5 and lines 44-47 of column 8).

j. As per claims 34 and 47, Mahany teaches: wherein said configuring comprises: providing data to said second user device to enable said second user device to connect to said shared medium (line 65 of column 4 through line 3 of column 5 and lines 44-47 of column 8).

Response to Arguments

5. Applicant's arguments filed 04 August 2008 have been fully considered but they are not persuasive.

6. (A) Regarding claim 22, the applicant contends that Mahany, Keane, and Brownrigg fail to teach a first user device that uses a first type of communication

medium to directly configure the use of a second, different type of communication medium by a second user device. The examiner respectfully disagrees.

As to point (A), the applicant argues that Mahany, Keane, and Brownrigg all teach the user of a dedicated intermediary device to negotiate communications and use of communications media by user devices. The cited portions of Keane disclose: " The at least one processor may provide through the base network code and information for configuring the first processor to interface the base network at the received base address. The first processor may execute the provided code to configure the first processor based on the provided information such that the first processor interfaces the base network. The at least one processor may provide through the base network to the first processor information enabling at least one tunnel through the base network to a second processor, which may be separate from the at least one processor, when the first and second processors each provide to the at least one processor a consent for enabling the at least one tunnel," (lines 46-64 of column 6). From this recitation, it is clear that the providing a consent to enable the tunneling infers that the first user device is directly configuring the second communication medium. The second communication medium is the tunnel described in the cited text. While the applicant may argue that the tunnel is not a shared medium that can be heard by other devices within range of the second user device, Brownrigg's repeater was previously cited for teaching this portion of the claim. As such, the rejection remains proper and is maintained by the examiner.

7. (B) Regarding claim 22, the applicant contends that Mahany, Keane, and Brownrigg fail to teach user devices directly configuring the use of the second communication medium by other user devices. The examiner respectfully disagrees.

As to point (B), the Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Additionally, Fig. 9 of Mahany shows computer systems (910 and 912), mobile phones (920, 922, 924, etc), stationary printers (914, and 916), and scanning unit (918), all of which are clearly user devices. As such, the rejection remains proper and is maintained by the examiner.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442